

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TAYJUAN TREVION-WAYNE FLETCHER,

Plaintiff,

v.

JOHN HURT, et al.,

Defendants.

Case No. 2:24-cv-00352-TMC-TLF

REPORT AND
RECOMMENDATION

Noted for: August 26, 2024

This matter comes before the Court on plaintiff's failure to respond to the Court's Order to Show Cause. See Dkt. 10. Plaintiff is proceeding *pro se* and *in forma pauperis* ("IFP") in this matter.

The Court previously issued a Report and Recommendation recommending that the district judge dismiss plaintiff's proposed complaint and IFP application because he failed to provide his prison trust account. Dkt 6. However, plaintiff subsequently provided his "Resident Account Summary" and the Honorable Tiffany M. Cartwright declined to adopt the Report and Recommendation based on the new information. Dkt. 8.

On July 9, 2024 the Court declined to serve plaintiff's proposed complaint and issued an Order to Show Cause notifying plaintiff of the deficiencies in his complaint and giving him until July 30, 2024 to show cause why his cause of action should not be dismissed or file an amended complaint. Dkt. 10. On July 15, 2024 Judge Cartwright's

1 Order on the Report and Recommendation was returned as undeliverable. Dkt. 11.
2 However, the Order to Show Cause was not returned as undeliverable and plaintiff has
3 neither responded to the Order to Show Cause nor provided the Court an updated
4 address.¹ Accordingly, the undersigned recommends that the Court DENY plaintiff's IFP
5 application (Dkt. 9) and dismiss the action without prejudice for failure to prosecute.

6 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall
7 have fourteen (14) days from service of this report to file written objections. *See also*
8 Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
9 purposes of *de novo* review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can
10 result in a waiver of those objections for purposes of appeal. *See Thomas v. Arn*, 474
11 U.S. 140, 142 (1985); *Miranda v. Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations
12 omitted). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is
13 directed to set the matter for consideration on **August 26, 2024**, as noted in the caption.

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16 Dated this 9th day of August, 2024.

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20 Theresa L. Fricke
21 United States Magistrate Judge

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24 ¹ The Court has sent another copy of Judge Cartwright's Order (Dkt. 8) and the Order to Show Cause
25 (Dkt. 10) to plaintiff.